

REMARKS

Claims 32-35 and 38-39 were pending in the subject application before this amendment. Claims 1-31 and 36-37 have been previously canceled. Claims 32-35 and 38-39 are amended herein. New claim 40 is added. Claims 32-35 and 38-40 are now pending the subject application after this amendment.

Claims 32-35 are objected to because of certain informalities. Claims 32-35 are amended herein to overcome those informalities, and withdrawal of this objection to claims 32-35 is therefore respectfully requested.

Reconsideration of the rejection of claims 32, 34, 35, 38, and 39 under 35 U.S.C. 102(b) as being anticipated by WO 98/38944 ("Thrash") is requested. It is believed that amended independent claims 32 and 38, and dependent claims 34-35 and 39, are not anticipated by Thrash for the reasons given below.

Regarding amended claim 32, Thrash does not disclose or suggest "positioning the member so that at least a portion of the member is *inside* the open wound having at least some of the spacers resting against the wound surface," which is "located *inwardly* of healthy skin surrounding the open wound." (See, for example, applicants' Fig. 7.) (*Italics provided.*) Instead, as shown, for example, in Figs. 5-17, 18, and 19, Thrash's containment members 100, 500, 600 are located entirely *outside* the open wound. In addition, as shown, for example, in Figs. 7, 9-10, and 12-13, Thrash's containment members 100, 200 have respective spacers 102, 104 and 202, 204 that rest against healthy skin surrounding the wound surface, not the wound surface itself, which is "located *inwardly* of healthy skin" as required by claim 32.

Regarding amended claim 38, Thrash does not disclose or suggest "positioning a relatively thin and flexible member so that at least a portion of the member is *inside* the open wound." (See, for example, applicants' Fig. 7.) (*Italics provided.*) Instead, as shown, for example, in Figs. 5-17, 18, and 19, Thrash's containment members 100, 500, 600 are located entirely *outside* the open wound. Also, Thrash does not disclose or suggest "the member having a wound facing surface with holes in the wound facing surface located inside the open wound

below the healthy skin surrounding the open wound.” Instead, as shown in Figs. 5-17, 18, and 19, Thrash’s members 100, 500, 600 have respective holes 116, 122, 516, 522, 616, 622 that are located outside the wound *above* the healthy skin surrounding the wound.

Accordingly, applicants respectfully submit that amended independent claims 32 and 38, and dependent claims 34-35 and 39, are not anticipated by Thrash, and hence withdrawal of the 35 U.S.C. 102(b) rejection thereof is respectfully requested.

The 35 U.S.C. 103(a) rejection of claim 33 is rendered moot because this claims depends from claim 32 which is in condition for allowance.

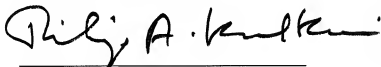
New claim 40 is believed to be allowable because Thrash does not disclose or suggest “positioning the member so that at least some of the spacers rest against the wound surface.” Instead, as shown, for example, in Figs. 7, 9-10, and 12-13, Thrash’s containment members 100, 200 have respective spacers 102, 104 and 202, 204 that rest against healthy skin surrounding the wound surface, not “the wound surface” itself, as required by claim 40.

In view of the foregoing amendment and supporting remarks, the subject application is now deemed to be in condition for allowance, and such action is respectfully requested. If the Examiner believes that a telephonic interview would expedite the allowance of this application, he is requested to contact the undersigned for a prompt resolution of any outstanding issues.

Applicants believe that no fees are required due to this amendment. It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response, and shortages and other

fees be charged, or any overpayment in fees be credited, to the Account of Barnes & Thornburg,
Deposit Account No. 10-0435, with reference to file 7175-73441.

Respectfully submitted,
BARNES & THORNBURG LLP

A handwritten signature in black ink, appearing to read "Dilip A. Kulkarni". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

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